

March 21, 2019

Via E-mail and First-Class Mail: rob主p@ag.ks.gov
Office of the Attorney General/Biased Policing
120 SW 10th Avenue, Second Floor
Topeka, KS 66612

**Re: Request for Investigation into Karle Robinson’s Complaint of
Racial Biased Policing by the Tonganoxie Police Department**

On August 19, 2018, Tonganoxie Police Department (“TPD”) Officer Brady Adams stopped and detained Karle Robinson while he was carrying a television into his home. Officer Adams stated in a police report that he suspected Mr. Robinson of committing a burglary. When Mr. Robinson attempted to file a complaint outlining his concerns that he was detained due to racial bias, TPD Chief Greg Lawson obstructed him from doing so, asking him to meet instead. During the meeting, Chief Lawson dismissed Mr. Robinson’s concerns explaining he supported Officer Adams’s decision to draw his weapon and use handcuffs. TPD also subjected Mr. Robinson to a campaign of surveillance and harassment following his August 19th detention that only ceased when he publicly complained to the *Kansas City Star*. Each of these incidents would be concerning had they been alleged independently. Together they suggest a pervasive culture of racial bias and systemic process failure within TPD. Accordingly, we request that the Kansas Office of the Attorney General investigate TPD or refer this complaint to the Kansas Commission on

Officers Standards and Training (CPOST) pursuant to K.S.A. §22-4606.

Factual Background

Karle Robinson is a 61-year old African American resident of Tonganoxie. He is a Marine veteran and a native of Kansas. On July 13, 2018, Mr. Robinson purchased his home at 1524 4th Street Tonganoxie, Kansas 66086. He gradually started moving in over the course of the next month while he finalized the sale of his previous residence in Merriam.

Mr. Robinson rented a moving van to complete his move on the evening of Saturday, August 18th. At 10:00 pm on August 18th, a Tonganoxie police officer stopped Mr. Robinson while he was en route to his new home. The officer ran Mr. Robinson's license and gave him a warning citation. Mr. Robinson arrived at his home at or around 12:00 am. To avoid disturbing his neighbors, Mr. Robinson decided to not turn on the porchlight and instead turned on the dome lights of the moving van for visibility. As Mr. Robinson made trips in and out of the house, he saw Tonganoxie police Officer Brady Adams observing him while he patrolled up and down Fourth Street. Over the course of two hours, Mr. Robinson saw Officer Adams pass his house between five and six times and they made eye contact on at least one occasion.

At or around 2:30am on August 19th, Mr. Robinson started to carry his television inside. The television was the last item of the load of the moving truck. As Mr. Robinson was going up the stairs of his home, Officer Adams

pulled into his drive way, drew his weapon, and instructed Mr. Robinson to put down the television. Mr. Robinson immediately complied with Officer Adams's directive and attempted to explain that he owned the house and was in the process of finalizing his move. Mr. Robinson stated that he had paperwork inside the house that would verify he was the owner. Rather than accompanying Mr. Robinson inside the house to view the documentation, Officer Adams handcuffed Mr. Robinson as he waited for backup. Officer Pfannenstiel and Sergeant Collin Clair arrived on the scene. Officer Adams and Sgt. Clair entered the residence and located the paperwork that Mr. Robinson had told Officer Adams about five minutes earlier. Officer Adams and Sgt. Clair returned outside and uncuffed Mr. Robinson. Officer Adams told Mr. Robinson that he had to place him in handcuffs due to a recent string of burglaries in the area. However, Officer Adams did not explain why he waited approximately two hours before he became concerned that the Mr. Robinson was committing a burglary.

Prior to his August 19th detention, Mr. Robinson had not heard of any reported thefts or burglaries in his neighborhood. He had looked into crime rates in the area when he was deciding whether to purchase the house in July and there had not been any recorded reports. Thinking that the crimes Officer Adams had cited were more recent, Mr. Robinson asked his neighbors if they were aware of any burglaries in the neighborhood. His neighbors responded

that the only incidents of theft they were aware of occurred across town.

TPD maintained a regular presence at or near Mr. Robinson's home in the weeks following his detention. Tonganoxie police squad cars parked directly across the street at the water treatment center almost every evening. They also frequently patrolled around his block. On the evening of August 21, 2018, a TPD officer followed Mr. Robinson from his home to the highway for over 5 minutes.

On or about October 3, 2018, Mr. Robinson attempted to file an internal affairs complaint with TPD about the August 19th incident and the subsequent police presence he felt constituted surveillance. When Mr. Robinson arrived at the police station and asked the receptionist to file a complaint, the receptionist asked him to wait while she notified the Chief of Police, Greg Lawson. Instead of allowing Mr. Robinson to file a written complaint, Chief Lawson proposed that they meet instead. During the meeting, Chief Lawson insisted that he approved of how Officer Adams handled Mr. Robinson's August 19th detention. Chief Lawson told Mr. Robinson that Officer Adams was justified in drawing his weapon and applying restraints since he "feared for his life." At no point did Chief Lawson permit Mr. Robinson to submit a written complaint for further review or investigation by TPD's internal affairs unit. Chief Lawson ended the meeting by telling Mr. Robinson that Officer Adams did not act with racial bias or otherwise engage in improper conduct.

Feeling that his complaint did not receive proper consideration, Mr. Robinson contacted the *Kansas City Star* to publicize his concerns about the detention. Joe Robertson, '*Handcuffed on my own property*': Video shows black homeowner questioned by Kan. police, KANSAS CITY STAR, Oct. 3, 2018, <https://www.kansascity.com/news/local/article219422675.html>. It was only after the *Kansas City Star* ran the story that TPD stopped surveilling Mr. Robinson's home.

Inconsistencies in Officer Adams's Report

Mr. Robinson obtained a copy of Officer Adams's police report and bodycam footage from his August 19 detention in early October. See Exhibit 1-Brady Report; Exhibit 2-Brady Body Camera Footage. Officer Adams's report contains a number of false statements and inaccuracies. First, Officer Adams stated that he became suspicious that a burglary was underway when he observed the porch light was on at 2:28 am. However, Officer Adams had watched Mr. Robinson enter and exit his house multiple times in the two-hour period prior to detaining him. Officer Adams alludes to the fact that he had seen Mr. Robinson prior to making the stop stating "we've got someone *moving furniture in* and out of the house." See Exhibit 2 at :58. It is also worth noting that, moving furniture into a house, conduct Officer Adams states he observed, is not consistent with the elements of burglary as defined in K.S.A. § 21-5807 (a).

Even if Officer Adams did not see Mr. Robinson while he was patrolling, he would have observed the van and any lights that were on inside the house long before 2:28 am. The lights had been on for at least two hours before they became an actionable source of suspicion for Officer Adams. Therefore, the out of the ordinary circumstance that purportedly sparked Officer Adams's concern could not have been the only reason he decided to stop Mr. Robinson.

Additionally, Officer Adams's bodycam footage very clearly shows that Mr. Robinson was going towards the stairs and into his home when the stop was initiated. See Exhibit 2 at :41. This fact, in addition to the presence of a rented moving van in the driveway, would suggest to a reasonable officer that a move rather than a burglary was in progress.

Finally, contrary to Officer Adams's report, there was no basis to believe that the house was not occupied or still for sale. There was no "For Sale" real estate sign on the property on August 19th nor had there been since July 13th when Mr. Robinson closed on his house. Additionally, Mr. Robinson had moved the majority of his things into the home in the month before he was detained, leaving little reason for Officer Adams to have concluded that the house was not occupied.

Had Chief Lawson permitted Mr. Robinson to file an internal affairs complaint and conducted an investigation, TPD would have been aware of these inconsistencies.

Concerns of Biased Policing

Mr. Robinson believes his detention was motivated by his race rather than a reasonable suspicion that he was committing a burglary. First, as discussed in the proceeding section, many of the circumstances Officer Adams states formed the basis for his suspicion that Mr. Robinson was committing a burglary are disproved by the bodycam footage and are inconsistent with other independently verifiable facts. In particular, Officer Adams's decision to detain Mr. Robinson at 2:28am despite observing his moving van and other indicia that the house was occupied at or around 12:00am indicate that his stated reasons for suspicion were pretextual.

Moreover, Officer Adams continued to suspect Mr. Robinson of criminal conduct even as he uncovered additional evidence that corroborated his claims that he owned the house. Once Officer Adams and Sgt. Clair observe the scene inside the house, Officer Adams's concedes "it does look like someone is moving." *Id.* at 6:20. They also find the paperwork under the counter, where Mr. Robinson stated it would be located. Officer Adams responds to these facts with continued suspicion, stating "I don't know if that is his name or not, I am going to bring it with me" and returns outside to verify the name on the paperwork matches his license. *Id.* at 6:44.

Mr. Robinson also feels that the surveillance he was subjected to from August 20 through October 4, was motivated by nothing other than TPD's

discomfort with his race. The fact that the surveillance stopped only when his allegations of profiling were publicized in the *Kansas City Star* supports this concern.

Finally, Chief Lawson's intervention when Mr. Robinson tried to file a written internal affairs complaint about his August 19th experience has compounded his concerns that his detention and the subsequent surveillance he experienced were motivated by improper considerations of race and bias. Even if Chief Lawson had ultimately declined to investigate the matter, Mr. Robinson wanted to make a formal written record detailing his experience and Chief Lawson deprived him of that opportunity.

Conclusion

For the foregoing reasons, we request that the Office of the Attorney General investigate this complaint, or, refer the matter to the Kansas Commission on Peace Officers Standards and Training (CPOST).

